

**UNMARRIED PARENTS  
ESTABLISHING A PARENTING PLAN  
AND/OR CHILD SUPPORT  
(SERVICE MAY OR MAY NOT BE REQUIRED)**

**SPOKANE COUNTY FAMILY COURT FACILITATOR**

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These are instructions for the procedure to establish a residential schedule/parenting plan and/or child support in cases where the paternity affidavit has been signed by both parents.

***These instructions are only for cases where a paternity affidavit has been signed by both parents.***

**TALK WITH AN ATTORNEY, IF POSSIBLE:** These instructions are not a substitute for legal advice. The laws and court rules are complex and following these instructions will not guarantee you a favorable result. It is always advisable to talk to a lawyer about your case. Even in cases where there may be agreement, obtaining attorney advice is important.

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**Checklist of steps to complete:**

\_\_\_\_\_ 1. **Obtain a certified copy of the paternity affidavit.**

**IT IS REQUIRED** that a copy of the paternity affidavit be filed with the court in your action to Petition for a Parenting Plan, Residential Schedule and/or Child Support. A copy may be obtained from the Center for Health Statistics (CHS) by either the mother or father. The request needs to be sent to: **Center for Health Statistics, PO Box 9709, Olympia, WA 98507-9709.**

If you have questions about the paternity affidavit, please contact the paternity specialists at the Department of Health in Olympia at 360-236-4336 or 360-236-4335.

\_\_\_\_\_ 2. Fill out the following papers completely and sign. Print clearly in black ink or type.

- ( ) *Confidential Information Form (FL All Family 001)*
- ( ) *Summons: Notice about Petition for Parenting Plan, Residential Schedule, and/or Child Support (FL Parentage 330)*
- ( ) *Petition for a Parenting Plan, Residential Schedule and/or Child Support (FL Parentage 331)*
- ( ) *Parenting Plan (FL All Family 140)*

- ( ) *Child Support Worksheets (WSCSS – Worksheets)* (if child support has **not** already been established administratively by the Division of Child Support – if child support **HAS** been determined by DCS, you will need to file a copy of that order with the Clerk).
- ( ) *Proof of Personal Service (FL All Family 101)*

\_\_\_\_\_ 3. **File with the Clerk.** The Clerk's Office is located in Room 300, Spokane County Courthouse, 1116 West Broadway, Spokane, Washington 99260. They are open Monday through Friday, from 8:30 a.m. to noon and from 1:00 p.m. to 4:00 p.m. The filing fee is \$260.00, payable in cash, money order or cashier's check.

\_\_\_\_\_ 4. **If the other party did NOT sign the Petition, Parenting Plan and Child Support Worksheets, you must have the other party served** by a third party over the age of 18, with the *Summons, Notice about Petition for Parenting Plan, Residential Schedule, and/or Child Support, Petition for a Parenting Plan, Residential Schedule and/or Child Support, Parenting Plan and Child Support Worksheets* (if child support has not been determined administratively by the Division of Child Support).

The Server completes the *Proof of Personal Service* form (**FL All Family 101**). You need to make a copy of it for your records and file the original with the Clerk's Office Room 300.

\_\_\_\_\_ 5. Make arrangements to attend the Sharing the Children Education Seminar. You cannot finish your legal action until there is verification in the court file of your attendance.

\_\_\_\_\_ 6. Before you may finalize your action, background checks on both parents must be completed. You may obtain the background check coversheet (JIS) from Room 200 of the Courthouse. Please be aware that the background check process takes two (2) business days to complete.

\_\_\_\_\_ 7. If not agreed, wait for response or for response period to run (20 days if served in the State of Washington, and 60 days if served out-of-State.)

How you proceed in the next step will depend on *if a response has been filed or not.*

**No response has been received or filed within the deadline:** If the other party has not responded or a notice of appearance has not been made by the deadline set out in the summons, you may have a default order entered and the matter resolved as you proposed in the papers that were served. (You may check to see if a response has been filed by calling the Clerk's Office at 509-477-2211).

Prepare the two default papers:

- ( ) *Motion for Default (FL All Family 161);*
- ( ) *Order on Motion for Default (FL All Family 162);*

And the following final documents which must be the same as proposed in the documents the other party was initially served with:

- ( ) *Final Order and Findings for a Parenting Plan, Residential Schedule and/or Child Support (FL Parentage 333);*
- ( ) *Child Support Order (FL All Family 130)* (if child support has **NOT** been determined administratively by the Division of Child Support)

**Be sure the case number is on all the documents and that you sign them all on the last page where it says "presented by."**

Make two copies of all of the documents. Go to the Clerk's Office and tell them you wish to present your documents to the Ex Parte court. The Clerk's Office will have your *file sent to that courtroom. Take your originals of the papers you have prepared to Courtroom 304* between the hours of 9:00 a.m. – 11:30 a.m. and 1:30 p.m. – 3:30 p.m. and hand them to the Clerk in the Courtroom. Take a seat in the Courtroom and wait your turn.

After the judge or court commissioner has signed the documents, return to the Clerk's Office and "conform" your copies by date stamping the top of the front page of each document and stamping in the judge's or commissioner's name on the line on the last page of each document. Send the other party a set of copies.

**This completes the action.**

**If a response has been filed, this is a contested matter and may proceed to trial.**  
See an attorney or the Family Court Facilitator for further instruction.

#### **NOTE: CHILD SUPPORT AND PUBLIC ASSISTANCE**

**The below requirements apply to you only if child support is being established and only if you now or have ever received a public assistance cash grant from DSHS for the child:**

If it is an agreed matter, you must obtain the signature of an attorney with the Spokane County Prosecutor's Family Law Division approving the *Child Support Order* prior to presenting it to the judge or commissioner for entry;

The law requires that notice must be given to them 20 days before the entry of a final order; if it is not agreed, they must be supplied with copies of the same documents that the other party is served with;

If a default is to be entered against the other party, the *Child Support Order* to be presented along with it must be approved by them prior to it being presented to a judge or court commissioner;

If it is a contested case going to trial, they must be given notice as a party so that they may participate on behalf of the State of Washington;

If temporary motions are being made, they must be given the same notice as the other parent.

**- A T T E N T I O N -**

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**\*\*At the time you present your proposed final parenting plan to a Judge or Court Commissioner for signature, a new law now requires them to run a background check on both parents. If that background check includes matters that could put children at risk of harm, the judicial officer may ask you or the other parent to explain and answer questions about your background record. In most cases you can probably satisfy the judicial officer conducting the review that your children are not at risk and he/she will finalize your parenting plan the way you prepared it. In some cases you may be asked to bring in additional documents or the court may appoint a Guardian ad Litem to make a more in-depth investigation and report back to the court at a later date. If this happens, the case will remain open and the proposed parenting plan will not be approved until you have brought in the necessary paperwork or the independent investigation has been completed and all necessary safeguards to protect your children are in place.**

**NOTE:** All of the above mentioned forms can be found on the Washington State Court website: [www.courts.wa.gov/forms](http://www.courts.wa.gov/forms).

The Family Court Facilitator, Room 200, Family Law Center, is available to review your documents and answer procedural questions. It is recommended you have all documents reviewed before filing and presenting to the court.